

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

GREGORY DELMUS STATON,

Plaintiff,

v.

JOHN DOE, ET AL.,

Defendants.

CIVIL ACTION NO. 6:15-cv-00034

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court upon Plaintiff's motion to amend and motion for default judgment (dks. 12 and 13), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (Dk. 19, hereinafter "Report"). Pursuant to 28 U.S.C. § 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. On October 12, 2016, Judge Ballou filed a Report recommending that Plaintiff's motion to amend be granted and that his motion for default judgment be denied. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of October 12, 2016, is hereby **ADOPTED** in its entirety;
2. Plaintiff's motion to amend/correct the complaint to name USG7, LLC (dkt. 12) is **GRANTED**;
3. Plaintiff's motion for default judgment is **DENIED**,

4. Claims against John Doe 1/USG7, LLC are **DISMISSED**, with leave to amend. However, if Plaintiff fails to amend within twenty-one (21) days, claims against USG7, LLC will be **DISMISSED WITHOUT PREJUDICE**.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so ORDERED.

Entered this 1st day of November, 2016.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE